IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE DR JUSTICE G.YETHIRAJULU
WRIT PETITION NO. 15483 of 2004

Between:
U. Ramaswamy (E. 2509628), S/o. Narsaiah,
Singareni Collieries Company Limited, Mandamarri, Adilabad District.

..... PETITIONER

AND

1 Singareni Collieries Company Limited, Mandamarri Adilabad District,
Rep. by its General Manager.
2 The Superintendent of Mines/Colliery Manager, Singareni Collieries Company Limited, Mandamarri, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction, especially one in the nature of Writ of Mandamus- (i) declaring the action of the respondents in not regularising the petitioners service as Shot-firer, as illegal and arbitrary; (ii) Consequently, direct the respondents to regularise the petitioners services as Shot-firer with effect from 14-6-1997;

For the Petitioner:MR.K.VASUDEVA REDDY, ADVOCATE

For the Respondent Nos.1 and 2: MR. NANDIGAMA KRISHNA RAO (SC FOR SINGARENI COLLIERIES)

The Court made the following Order:

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO. 15483 OF 2004

ORDER:

The petitioner is a coal-cutter. He contends that he has been working as a shot-firer on authorization to work in such capacity in the absence of regular firers, for the last seven years. His grievance is that though his juniors were regularly appointed, his case was not considered for regular appointment. Therefore, he approached this Court seeking a direction to the respondents to consider his case for regular appointment as a shot-firer.

Respondents denied the plea of the petitioner that some of his juniors were appointed on regular basis. Learned counsel for the respondents submitted that the petitioner's substantative post is coal-cutter and he is only authorised to work as a shot-firer in the absence of regular shot-firers. Therefore, the petitioner is not entitled as a matter of right to get regular appointment as a shot-firer. He further submits that there is a procedure prescribed under the rules and the regular appointment will be made only on the basis of seniority and qualifications after due selection by the selection committee. Hence, the petitioner cannot get automatic promotion as requested.

In the light of the above circumstances, respondents are directed to examine whether any juniors of the petitioner are considered for regular appointment, if so, the case of the petitioner may also be examined and if he is found to be suitable, the respondents shall pass appropriate orders according to the rules by following the due procedure of the selection committee, at the area level.

The writ petition is accordingly disposed of. No costs.

24-09-

2004

usd

To

1 The General Manager, Singareni Collieries Company Limited, Mandamarri Adilabad District.

2 The Superintendent of Mines/Colliery Manager, Singareni Collieries
Company Limited, Mandamarri, Adilabad District.

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